IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 3655 of 2007(I)

AS.45/2005 of SUB COURT, MUVATTUPUZHA
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PETITIONER:

MATHAI VARKEY, S/O.MATHAI,
NIRAPPELPUTHENPURAYIL, NERIYAMANGALAM P.O.,
CHEMBANKUZHI, KOTHAMANGALAM.

BY ADV. SRI.K.SHIBILI NAHA
SMT.A.LOWSY

RESPONDENTS:
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1. P.R.NARAYANAN, S/O.RAMAN,
PADINJATEKUDIYIL HOUSE, NERIYAMANGALAM P.O.,
CHEMBANKUZHI, KOTHAMANGALAM.

2. KALIKUTTY, D/O.RAMAN,
CHAKUDIYIL HOUSE, DO. DO.

3. DEVADASAN, S/O.KALIKUTTY, DO. DO.

4. SURESH @ APPU, S/O.KALIKUTTY DO. DO.

5. SHAJI C.R.S/O.RAMAKRISHNAN,
CHENKARAYIL HOUSE, DO. DO.

6. RAMAKRISHNAN, S/O.KUMARAN,
CHENKARAYIL HOUSE, DO. DO.

7. HARIS, S/O.VISWAMBARAN,
THOZHUTHINKAL HOUSE, DO. DO.

8. STATE REP.BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SIR. V.T.K. MOHANAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 3655 OF 2007

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Dated this the 2nd day of February, 2007.

J U D G M E N T

This writ petition is filed to transfer A.S.45/05 pending before the Sub Court, Muvattupuzha to any other Court. The reason alleged is that the judgment under challenge was passed by the same Judge who is presiding over the Subordinate Judge's Court where the appeal is pending. Or in other words, the present Judge is precluded from hearing the appeal from his own judgment. I have ascertained from the learned counsel that the next convenient place for the parties will be the Sub Court, Perumbavoor. Therefore, in the interest of justice A.S.45/05 pending before the Sub Court, Muvattupuzha is transferred to Sub Court, Perumbavoor. The learned Sub Judge, Muvattupuzha while transferring the case to Perumbavoor is directed to intimate the said factum to the respondents in the appeal regarding the transfer.

The writ petition is disposed of accordingly.

M.N. Krishnan, Judge.

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